

# Town Board Minutes

August 17, 2009

Meeting No. 26

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 17<sup>th</sup> day of August 2009 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** DANIEL AMATURA, COUNCIL MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
LEN CAMPISANO, ASSIST. CODE ENFORCEMENT OFFICER  
DAVID MARRANO, ASSESSOR  
TERRENCE McCRACKEN, GENERAL CREW CHIEF  
LOUIS CACCIOTTI, DEPUTY HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES  
ROBERT MAC PEEK, DISASTER COORDINATOR

## **PERSONS ADDRESSING TOWN BOARD:**

**Tshulos, Nicholas**, spoke to the Town Board on the following subject matter:

- Mohawk Place property

**Chowaniec, Lee**, spoke to the Town Board on the following matters:

- soccer fields
- property tax abatements
- Buffalo/Lancaster Airport

**Zichittella, Bob**, spoke to the Town Board on the following matters:

- Buffalo Lancaster Airport - SEQR process

**Popiolkowski, Chet**, spoke to the Town Board on the following matter:

- reported on Lancaster Volunteer Ambulance Corps' mutual assistance service in Gowanda to help during the recent flooding in the area.

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Regular Meeting of the Town Board held  
August 3, 2009 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call, which resulted as follows:

|                         |            |
|-------------------------|------------|
| COUNCIL MEMBER ABRAHAM  | VOTED YES  |
| COUNCIL MEMBER AMATURA  | WAS ABSENT |
| COUNCIL MEMBER RUFFINO  | VOTED YES  |
| COUNCIL MEMBER STEMPIAK | VOTED YES  |
| SUPERVISOR GIZA         | VOTED YES  |

August 17, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, through the efforts of Assemblyman Dennis Gabryszak, \$390,000 in grant monies may be available from the Dormitory Authority for the State of New York through the Community Capital Assistance Program for various recreational amenities including:

- Band Shell – \$23,000 toward the construction of a band shell at 100 Oxford Park;
- Bell – \$17,000 toward the purchase and installation of a cast bronze bell to be placed atop the clock tower at Westwood Park;
- Athletic Fields – \$250,000 toward the acquisition of land for use as athletic fields; and
- Pond Improvements – \$100,000 toward improvements to the shoreline of the pond in Westwood Park.

**WHEREAS**, the Town Board deems use of these funds to be in the public interest;

**NOW, THEREFORE BE IT**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the Dormitory Authority for the State of New York the purpose of securing this grant, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor and Director of Administration and Finance be and hereby are authorized and directed to execute all documents pertaining to the application and to the acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                         |            |
|-------------------------|------------|
| COUNCIL MEMBER ABRAHAM  | VOTED YES  |
| COUNCIL MEMBER AMATURA  | WAS ABSENT |
| COUNCIL MEMBER RUFFINO  | VOTED YES  |
| COUNCIL MEMBER STEMPIAK | VOTED YES  |
| SUPERVISOR GIZA         | VOTED YES  |

August 17, 2008

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS, Bella Vista Group**, 6495 Transit Road, Bowmansville, New York 14026, in conjunction with **Transit French Associates**, has submitted an application for the rezone of a parcel of land located on 4779 & 4783 Transit Road, Lancaster, New York has petitioned the Town Board of the said Town for the rezone of said property from a General Business (GB) and Residential District One (R1) to Multi-family Residential District Four (MFR-4), and

**WHEREAS**, the Petition has been referred to the Planning Board of the Town of Lancaster for its recommendation and report on July 17, 2009;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Sections 130 and 265 of the Town Law of the State of New York a Public Hearing on the proposed rezone will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 14<sup>th</sup> day of September, 2009, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation pursuant to Town Law, and be posted on the Town Bulletin Board, and that Notice of such Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                          |            |
|--------------------------|------------|
| COUNCIL MEMBER ABRAHAM   | VOTED YES  |
| COUNCIL MEMBER AMATURA   | WAS ABSENT |
| COUNCIL MEMBER RUFFINO   | VOTED YES  |
| COUNCIL MEMBER STEMPNIAK | VOTED YES  |
| SUPERVISOR GIZA          | VOTED YES  |

August 17, 2009

**LEGAL NOTICE  
REZONE - PUBLIC HEARING  
4779 & 4783 TRANSIT ROAD  
TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the Town Law of the State of New York and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on August 17, 2009, the said Town Board will hold a Public Hearing on the 14<sup>th</sup> day of September, 2009 at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the following proposed amendment to the Zoning Ordinance and Zoning Map of the Town of Lancaster, rezoning the following described real property from General Business (GB1) and Residential District One (R1) to Multi-family Residential District Four (MFR-4):

**ALL THAT TRACT OR PARCEL OF LAND**, situate in the Town of Lancaster, County of Erie and State of New York, being part of Lot No. 97, Township 10 and Range 6 of the Buffalo Creek Indian Reservation bounded and described as follows:

**COMMENCING** from the southwest corner of Lot No. 97, said point also being on the centerline of Transit Road, Thence, N0°-11'-01"W along the centerline of Transit Road, said centerline also being the West line of Lot No. 97, for a distance of 764.26 feet; Thence easterly N88°-49'-12", for a distance of 900.24 feet to the **POINT OF BEGINNING**.

from The **POINT OF BEGINNING**:

Course 1: Thence N88°-49'-12"E, for a distance of 419.96 feet to a point;

Course 2: Thence southerly S0°-11'-01"E, for a distance of 292.67 feet to a point;

Course 3: Thence westerly S89°-50'-10"W, and parallel with the south line of Lot No. 97, for a distance of 420.00 feet to a point;

Course 4: Thence Northerly N0°-09'-50"W and parallel with the east line of Lot No. 97, for a distance of 285.22 feet to The **POINT OF BEGINNING**.

Contain more or less 121343.5 sq. ft. or 2.79 acres.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

August 17, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS, Myron Prystajko**, 3568 Walden Avenue, Lancaster, New York, has submitted an application for a Special Use Permit for the sales, rental, repair and service of new and used motorized vehicles in accordance with provisions of Chapter 50-Zoning, Section 20 (B) (1) (j) of the Code of the Town of Lancaster to be located at 3568 Walden Avenue, Lancaster, New York, and

**WHEREAS**, the property is currently zoned CMS - Commercial Motor Service which permits the service and sale of motor vehicles only where a special use permit is granted by the Town Board of the Town of Lancaster after a public hearing, and

**WHEREAS**, §50-46 of the Zoning Code of the Town of Lancaster requires that the Town Board conduct public hearings before the issuance of a special use permit for a use as proposed;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Chapter 50-Zoning, Section 20 (B) (1) (j), entitled “Commercial and Motor Service District (CMS)” of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for the service and sale of new and used motorized vehicles on premises locally known as 3568 Walden Avenue, Lancaster, New York in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 14<sup>th</sup> day of September 2009, at 8:30 o’clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                         |            |
|-------------------------|------------|
| COUNCIL MEMBER ABRAHAM  | VOTED YES  |
| COUNCIL MEMBER AMATURA  | WAS ABSENT |
| COUNCIL MEMBER RUFFINO  | VOTED YES  |
| COUNCIL MEMBER STEMPIAK | VOTED YES  |
| SUPERVISOR GIZA         | VOTED YES  |

**LEGAL NOTICE  
PUBLIC HEARING  
SPECIAL USE PERMIT  
Myron Wasyl Prystajko  
Online Limousine - WNY Motorsports  
3568 Walden Avenue, Lancaster, New York**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) (1) (j), entitled “Commercial and Motor Service District (CMS)” of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 17<sup>th</sup> day of August 2009 the said Town Board will hold a Public Hearing on the 14<sup>th</sup> day of September 2009, at 8:30 o’clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Myron Wasyl Prystajko, for a Special Use Permit for the sales, rental, repair and service of new and used motorized vehicles locally known as 3568 Walden Avenue, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY:       JOHANNA M. COLEMAN  
Town Clerk**

August 17, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, General Crew Chief Terrence McCracken, by letter dated June 23, 2009, has requested the appointment of Julia Kiesznoski of South Wales, New York to fill the position of Recreation Attendant, part-time at the Senior Citizens Center to teach Zumba (Latin/Aerobics) class currently scheduled for one hour per week for an eight week period beginning in September 2009.

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

**SECTION 1:** That Julia Kiesznoski of South Wales, New York be and is hereby appointed to the position of Recreation Attendant, part-time, in the Senior Citizens Center to teach a Zumba (Latin/Aerobics) class.

**SECTION 2:** That Julia Kiesznoski be compensated at an hourly rate of \$30.00.

**SECTION 3:** That this appointment is effective September 1, 2009.

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

|                          |            |
|--------------------------|------------|
| COUNCIL MEMBER ABRAHAM   | VOTED YES  |
| COUNCIL MEMBER AMATURA   | WAS ABSENT |
| COUNCIL MEMBER RUFFINO   | VOTED YES  |
| COUNCIL MEMBER STEMPNIAK | VOTED YES  |
| SUPERVISOR GIZA          | VOTED YES  |

August 17, 2009



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Schedule of Salaries and hourly rates for the calendar year 2009 be and hereby is amended and approved for the CSEA White Collar Union employees retroactive to January 1, 2009: (Amounts represent annual salaries unless otherwise specified)

**TO BE PAID BI-WEEKLY**

**ASSESSOR:**

|   |           |
|---|-----------|
| Clerk Typist (Herrmann)                                 | 38,946.00 |
| Real Property Appraiser (Juliano)                       | 49,198.00 |
| Real Property Appraiser on step (Chisolm hired 1/14/08) |           |
| Full is \$49,198.00                                     |           |
| 1/1/09 to 1/13/09 85% of full rate                      | 41,818.00 |
| 1/14/09 to 7/13/09 90% of full rate                     | 44,278.00 |
| 7/14/09 to 12/31/09 95% of full rate                    | 46,738.00 |

**BUILDING AND ZONING:**

|  |                |
|--|----------------|
| Ass't. Code Enforcement Officer (Campisano/Pease)  | 48,946.00 each |
| Building/Zoning Clerk (Maciejewski)                | 38,946.00      |
| Building/Zoning Clerk on Step (Cook hired 5/12/09) |                |
| Full is \$38,946.00                                |                |
| 5/12/09 to 12/31/09 at 85% of full rate            | 33,104.00      |

**COURT:**

|                              |                |
|------------------------------|----------------|
| Clerk Typist (Cox/Jablonski) | 38,946.00 each |
|------------------------------|----------------|

**HIGHWAY:**

|                        |           |
|------------------------|-----------|
| Clerk Typist (Barbaro) | 38,946.00 |
|------------------------|-----------|

**PARKS, RECREATION, FORESTRY AND BUILDINGS:**

|   |                     |
|---|---------------------|
| Clerk Typist (Gryczynski)   | 38,946.00           |
| Clerk Typist on Step (Brunstad hired 3/17/09)                         |                     |
| Full is \$38,946.00   |                     |
| 3/17/09 to 12/31/09 at 85% of full rate                               | 33,104.00           |
| Laborer Aides (Everett/Stanek/Warrington)                             | 17.84 per hour each |
| Laborer Aide on step (Steimer)  |                     |
| Full is \$17.84 per hour  |                     |
| 1/1/09 to 12/21/09 at 85% of full rate                                | 15.16 per hour      |
| 12/22/09 to 12/31/09 at 90% of full rate                              | 16.06 per hour      |
| Laborers (Giroux/Lubera/Perillo/Hoffmann/<br>Dudas/Ciccarelli/Marino) | 23.28 per hour each |
| Recreation Attendant, F.T. (Piccolo)                                  | 38,946.00           |

**POLICE:**

|   |           |
|---|-----------|
| Clerk Stenographer (Plewik)                   | 44,213.00 |
| Clerk Typist (Hunt)                           | 38,946.00 |
| Clerk Typist on step (Bolender hired 8/18/08) |           |
| Full is \$38,946.00                           |           |
| 1/1/09 to 8/17/09 at 85% of full rate         | 33,104.00 |
| 8/18/09 to 12/31/09 at 90% of full rate       | 35,051.00 |

**SUPERVISOR:**

|                               |           |
|-------------------------------|-----------|
| Senior Account Clerk (Palano) | 46,613.00 |
| Senior Clerk Typist (Nowak)   | 41,192.00 |
| Clerk Typist (Banach)         | 38,946.00 |

|                                      |                |
|--------------------------------------|----------------|
| TOWN CLERK:                          |                |
| Clerk Typist (Blank/Morrissey)       | 38,946.00 each |
| Senior Data Processing Clerk (Stock) | 50,483.00      |

|                                    |                |
|------------------------------------|----------------|
| YOUTH BUREAU:                      |                |
| Youth Counselors (Candino/Schanne) | 46,613.00 each |
| Youth Court Coordinator (Muench)   | 46,613.00      |
| Program Coordinator (Gunsher)      | 46,613.00      |
| Clerk Typist (Graber)              | 38,946.00      |

and,

**BE IT FURTHER**

**RESOLVED**, that all types of compensation, where applicable, be paid according to the terms of the agreement between the Town of Lancaster and the CSEA White Collar Unit.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

|                          |            |
|--------------------------|------------|
| COUNCIL MEMBER ABRAHAM   | VOTED YES  |
| COUNCIL MEMBER AMATURA   | WAS ABSENT |
| COUNCIL MEMBER RUFFINO   | VOTED YES  |
| COUNCIL MEMBER STEMPNIAK | VOTED YES  |
| SUPERVISOR GIZA          | VOTED YES  |

August 17, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS, Ronald Dalasandro,** has submitted an application for a Special Use Permit for the sales, rental, repair and service of new and used motorized vehicles in accordance with provisions of Chapter 50-Zoning, Section 20 (B) (1) (j) of the Code of the Town of Lancaster for The Transmission Shop, located at 5071 Transit Road, Lancaster, New York, and

**WHEREAS,** the property is currently zoned CMS - Commercial Motor Service which permits the service and sale of motor vehicles only where a special use permit is granted by the Town Board of the Town of Lancaster after a public hearing, and

**WHEREAS,** §50-46 of the Zoning Code of the Town of Lancaster requires that the Town Board conduct public hearings before the issuance of a special use permit for a use as proposed;

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to Chapter 50-Zoning, Section 20 (B) (1) (j), entitled “Commercial and Motor Service District (CMS)” of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for the service and sale of new and used motorized vehicles on premises locally known as The Transmission Shop located at 5071 Transit Road, in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 14<sup>th</sup> day of September 2009, at 8:30 o’clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                         |            |
|-------------------------|------------|
| COUNCIL MEMBER ABRAHAM  | VOTED YES  |
| COUNCIL MEMBER AMATURA  | WAS ABSENT |
| COUNCIL MEMBER RUFFINO  | VOTED YES  |
| COUNCIL MEMBER STEMPIAK | VOTED YES  |
| SUPERVISOR GIZA         | VOTED YES  |

August 17, 2009

**LEGAL NOTICE  
PUBLIC HEARING  
SPECIAL USE PERMIT  
Ronald Dalasandro  
The Transmission Shop  
5071 Transit Road, Lancaster, New York**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) (1) (j), entitled “Commercial and Motor Service District (CMS)” of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 17<sup>th</sup> day of August 2009 the said Town Board will hold a Public Hearing on the 14<sup>th</sup> day of September 2009, at 8:30 o’clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Ronald Dalasandro, for a Special Use Permit for the sales, rental, repair and service of new and used motorized vehicles on the premises locally known as 5071 Transit Road, in the Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY:       JOHANNA M. COLEMAN  
Town Clerk**

August 17, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has requested that Wm. Schutt & Associates, P.C. provide the Town of Lancaster with restoration recommendations for the currently occupied space within the Town Hall facility for Front Elevation, and

**WHEREAS**, Wm. Schutt & Associates, P.C. has solicited quotes for technical services to:

- 1) Repair brick at ground level lower window lintels (2).
- 2) Cut and caulk limestone banding above main entrance; patch as required.
- 3) Rebuild masonry bases along sides of entranceway.
- 4) Temporary repairs and improvements to winterize staircase; reparge cheek walls, caulk and patch stair treads, and paint railings.
- 5) Repair northwest corner of building.
- 6) Repair planter wall joints.
- 7) Repoint remainder of elevation as needed, and

**WHEREAS**, Wm. Schutt & Associates, P.C. has recommended the use of the aforementioned services in accordance with said specifications from the lowest responsible quote thereon, Morris Masonry Restoration, LLC, 40 Appenheimer Avenue, Buffalo, New York 14214.

**WHEREAS**, work will commence the second week of September and be completed prior to October 1, 2009.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement, which will be subject to approval by the Town of Lancaster Attorney, with Morris Masonry Restoration, LLC, 40 Appenheimer Avenue, Buffalo, New York to perform restoration services for the currently occupied space within the Town Hall facility a sum not to exceed \$16,850.00.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                         |            |
|-------------------------|------------|
| COUNCIL MEMBER ABRAHAM  | VOTED YES  |
| COUNCIL MEMBER AMATURA  | WAS ABSENT |
| COUNCIL MEMBER RUFFINO  | VOTED YES  |
| COUNCIL MEMBER STEMPIAK | VOTED YES  |
| SUPERVISOR GIZA         | VOTED YES  |

August 17, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS,** the Town Line Volunteer Fire Department, Inc., by letter dated August 6, 2008 has requested the addition of members to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Town Board of the Town of Lancaster hereby confirms the additions to the membership of the Town Line Volunteer Fire Department the following individuals:

**ADDITIONS:**

|                                      |                                       |   |
|--------------------------------------|---------------------------------------|---|
| Daniel Kempf<br>Lancaster, New York  | Derick Kessler<br>Lancaster, New York | Trevor Leutce<br>East Amherst, New York |
| Jeromy Stacey<br>Lancaster, New York | Michael Stroka<br>Lancaster, New York |   |

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

|                          |            |
|--------------------------|------------|
| COUNCIL MEMBER ABRAHAM   | VOTED YES  |
| COUNCIL MEMBER AMATURA   | WAS ABSENT |
| COUNCIL MEMBER RUFFINO   | VOTED YES  |
| COUNCIL MEMBER STEMPNIAK | VOTED YES  |
| SUPERVISOR GIZA          | VOTED YES  |

August 17, 2009

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town of Lancaster is about to commence the construction of the Lancaster Heritage Trail project, and

**WHEREAS**, the Congestion Mitigation and Air Quality (CMAQ) funding for this project is 80% and the Town of Lancaster is responsible for the remaining 20%, and

**WHEREAS**, it has come to the attention of the Town that the value of the land owned by the Town of Lancaster as well as the two easements we have acquired can be applied against the Town’s 20 % share, and

**WHEREAS**, the Town of Lancaster has received a proposal from Emminger, Hyatt, Newton & Pigeon, Inc. 950 Union Road, West Seneca, New York 14224 to appraise this Town owned property that is already a part of the hike & bike trail at a sum for said appraisal service which shall not exceed \$7,000, and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town has reviewed the proposal from Emminger, Hyatt, Newton & Pigeon, Inc., and deems it in the public interest to engage the appraisal services as proposed.

**BE IT FURTHER**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute a contract with Emminger, Hyatt, Newton & Pigeon, Inc. to appraise the Town owned property for the Lancaster Heritage Trail with a cost of the appraisal not to exceed \$7,000.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

|                         |            |
|-------------------------|------------|
| COUNCIL MEMBER ABRAHAM  | VOTED YES  |
| COUNCIL MEMBER AMATURA  | WAS ABSENT |
| COUNCIL MEMBER RUFFINO  | VOTED YES  |
| COUNCIL MEMBER STEMPIAK | VOTED YES  |
| SUPERVISOR GIZA         | VOTED YES  |

August 17, 2009

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 9527 to Claim No. 9851 Inclusive

Total amount hereby authorized to be paid: \$795,815.37

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

|                          |            |
|--------------------------|------------|
| COUNCIL MEMBER ABRAHAM   | VOTED YES  |
| COUNCIL MEMBER AMATURA   | WAS ABSENT |
| COUNCIL MEMBER RUFFINO   | VOTED YES  |
| COUNCIL MEMBER STEMPNIAK | VOTED YES  |
| SUPERVISOR GIZA          | VOTED YES  |

August 17, 2009

File: Rclaims



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.  
(CSW) = Conditional sidewalk waiver  
(V/L) = Village of Lancaster

**PREVIOUSLY TABLED PERMITS:**

|       |               |             |                |
|-------|---------------|-------------|----------------|
| 16415 | Grau Builders | 11 Logan Ln | Er. Dwlg.-Sin. |
| 16993 | Grau Builders | 24 Logan Ln | Er. Dwlg.-Sin. |

**NEW PERMITS:**

|          |                      |                      |                     |
|----------|----------------------|----------------------|---------------------|
| 17202    | Rich Pools           | 6 Alyssum Ct         | Er. Pool-Abv Grnd   |
| 17203    | Todd Erection Corp   | 623 Columbia Ave     | Er. Res. Alt.       |
| 17204    | Housecrafters LLC    | 57 Williamsburg Ln   | Re-Roof House       |
| 17205    | Housecrafters LLC    | 62 Williamsburg Ln   | Re-Roof House       |
| 17206    | Housecrafters LLC    | 60 Williamsburg Ln   | Re-Roof House       |
| 17207    | Pelletier, Scott     | 345 Seneca Pl        | Er. Garage          |
| 17208    | Kowalow, Timothy     | 75 Avian Way         | Er. Shed            |
| 17209    | Hoerner, Gregory     | 465 Westwood Rd      | Er. Pole Barn       |
| 17210    | Pfender, Gary        | 110 Iroquois Ave     | Er. Res. Add.       |
| 17211    | Fox, Thomas          | 8 Apple Blossom Blvd | Er. Shed            |
| 17212    | Kids Korner          | 2655 Wehrle Dr       | Er. Sign-Temp       |
| 17213    | Classer, Dan         | 731 Ransom Rd        | Er. Deck            |
| 17214    | Classer, Dan         | 731 Ransom Rd        | Er. Res. Alt.       |
| 17215    | Kelchlin, Gerald     | 42 Norris Ave        | Er. Deck Roof (V/L) |
| 17216    | RGGT, LLC            | 3 Clermont Ct        | Re-Roof House       |
| 17217    | Majestic Pools Inc   | 1095 Ransom Rd       | Er. Pool-In Grnd    |
| 17218    | Majestic Pools Inc   | 1095 Ransom Rd       | Er. Fence           |
| 17219    | Pacific Pools        | 27 Hill Valley Dr    | Er. Pool-In Grnd    |
| 17220    | Pacific Pools        | 27 Hill Valley Dr    | Er. Fence           |
| 17221    | Pacific Pools        | 202 N Maple Dr       | Er. Pool-Abv Grnd   |
| 17222    | Pacific Pools        | 202 N Maple Dr       | Er. Fence           |
| 17223 SW | Monti Concrete Const | 505 Erie St          | Er. Comm. Bldg.     |
| 17224    | Decks Unlimited      | 72 Avian Way         | Er. Deck            |
| 17225    | Christ Construction  | 33 Hillside Pky      | Re-Roof House       |
| 17226    | Christ Construction  | 21 Regency Ct        | Re-Roof House       |
| 17227    | Sahlems Roofing      | 25 Stony Brook Dr    | Re-Roof House       |
| 17228    | Marrano/Marc Equity  | 18 Sterling Pl       | Er. Dwlg.-Sin.      |
| 17229    | Iroquois Fence       | 9 Church St          | Er. Fence (V/L)     |
| 17230    | Creative Fence       | 20 Cloverside Dr     | Er. Fence (V/L)     |

|       |                         |                      |                            |
|-------|-------------------------|----------------------|----------------------------|
| 17231 | Blaine Home Improvement | 14 Grant St          | Re-Roof House (V/L)        |
| 17232 | Stockmohr Complany Inc  | 67 Pleasant View Dr  | Re-Roof House              |
| 17233 | Blackrock Roofing       | 11 Lombardy St       | Re-Roof House (V/L)        |
| 17234 | Iroquois Fence          | 11 Westbury Ln       | Er. Fence                  |
| 17235 | Rinow, Marc             | 44 E Drullard Ave    | Re-Roof House (V/L)        |
| 17236 | Gilmour, Mark           | 58 Village View      | Er. Shed                   |
| 17237 | Besroi Const            | 10 Via Donato W      | Re-Roof House              |
| 17238 | Campbell, Robert        | 8 Ellicott Pl        | Re-Roof House (V/L)        |
| 17239 | Home Depot              | 6 Apple Blossom Blvd | Er. Shed                   |
| 17240 | Ryan Homes              | 10 Rose St           | Er. Dwlg.-Sin.             |
| 17241 | Ryan Homes              | 30 Rose St           | Er. Dwlg.-Sin.             |
| 17242 | Bianchi, Tony           | 39 Windcroft Ln      | Er. Shed                   |
| 17243 | All Star Fence          | 88 Field Ave         | Er. Fence (V/L)            |
| 17244 | Iroquois Fence          | 8 Apple Blossom Blvd | Er. Fence                  |
| 17245 | Besroi Const            | 26 Briarwood Dr      | Re-Roof House (V/L)        |
| 17246 | Gallagher, Patrick      | 8 Oakwood Ave        | Er. Res. Alt. (V/L)        |
| 17247 | Rybinski, Peter         | 426 Lake Ave         | Re-Roof House              |
| 17248 | Weremblewski, Edward    | 53 Caswell St        | Re p . F i r e D a m a g e |
|       | (V/L)                   |                      |                            |
| 17249 | Samulak, Andrzel        | 5564 Broadway        | Re-Roof House (V/L)        |
| 17250 | Kissinger, William      | 6449 Transit Rd      | Dem. Dwlg.                 |
| 17251 | Sahlems Roofing         | 27 Madison St        | Re-Roof House (V/L)        |
| 17252 | Marrano/Marc Equity     | 50 Hanover St        | Er. Townhouses             |
| 17253 | Marrano/Marc Equity     | 52 Hanover St        | Er. Townhouses             |
| 17254 | Marrano/Marc Equity     | 54 Hanover St        | Er. Townhouses             |
| 17255 | Twardowski, Richard     | 60 Freeman Dr        | Inst. Generator            |
| 17256 | Marrano/Marc Equity     | 56 Hanover St        | Er. Townhouses             |
| 17257 | Koblich, Arthur         | 60 Williamsburg Ln   | Er. Shed                   |
| 17258 | Hatt, Garrett           | 10 Queen's Way       | Er. Shed                   |
| 17259 | Marrano/Marc Equity     | 77 Avian Way         | Er. Dwlg.-Sin.             |
| 17260 | Slivan Pools            | 129 Simme Rd         | Er. Pool-Abv Grnd          |
| 17261 | Micklas, Todd           | 92 Lake Ave          | Er. Deck (V/L)             |
| 17262 | Micklas, Todd           | 92 Lake Ave          | Er. Deck (V/L)             |
| 17263 | Murphy, Beth            | 90 Impala Pky        | Er. Deck                   |
| 17264 | Switalas Siding         | 283 Ransom Rd        | Re-Roof House              |
| 17265 | McKenzie, Brian         | 22 Winfield Ave      | Er. Deck (V/L)             |
| 17266 | Mammoth Const           | 275 Schwartz Rd      | Re-Roof House              |
| 17268 | Duro-Shed Inc           | 229 Nathan's Trl     | Er. Shed                   |
| 17269 | McGowan, Tim            | 5389 Genesee St      | Er. Comm. Add.             |
| 17270 | Buscaglia Decks         | 26 Rose St           | Er. Deck                   |
| 17271 | Ryan Homes              | 19 Rose St           | Er. Dwlg.-Sin.             |
| 17272 | Ryan Homes              | 28 Rose St           | Er. Dwlg.-Sin.             |

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

|                         |            |
|-------------------------|------------|
| COUNCIL MEMBER ABRAHAM  | VOTED YES  |
| COUNCIL MEMBER AMATURA  | WAS ABSENT |
| COUNCIL MEMBER RUFFINO  | VOTED YES  |
| COUNCIL MEMBER STEMPIAK | VOTED YES  |
| SUPERVISOR GIZA         | VOTED YES  |

August 17, 2009

## COMMUNICATIONS & REPORTS

370. NY State Board of Real Property Services to Supervisor -  
Notice of final State equalization rate for the Town of Lancaster. DISPOSITION = Received & Filed
371. Town of Newstead to Town Board -  
Transmittal of resolution regarding proposed changes to Erie County Tax Act. DISPOSITION = Received & Filed
372. Time Warner Cable to Supervisor -  
Update regarding cable television service. DISPOSITION = Received & Filed
373. Town Clerk to Town Board -  
Monthly report for July 2009. DISPOSITION = Received & Filed
374. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak -  
Notice from Town Forestry Department of no issues regarding revised site plan for Professional Building, 4893 Transit Road. DISPOSITION = Planning Committee
375. Town Clerk to Town Board -  
Transmittal of amended final settlement payment for 2009 County/Town Tax Warrant. DISPOSITION = Received & Filed
376. Town Clerk to Town Board -  
Transmittal of final report of the 2009 County/Town tax collection. DISPOSITION = Received & Filed
377. Village of Lancaster to Town Board -  
Minutes of meeting held July 27, 2009. DISPOSITION = Received & Filed
378. General Crew Chief to Supervisor -  
Letter regarding appraisal of town owned land for the Heritage Trail project. DISPOSITION = Resolution 8/17/09
379. Town Clerk to Town Board -  
Transmittal of Special Use Permit application for Ronald Dalasandro. DISPOSITION = Resolution 8/17/09
380. General Crew Chief to Supervisor -  
Request appointment of Julia Kiesznoski as Recreation Attendant, part time. DISPOSITION = Resolution 8/17/09
381. Erie County Legislature to Town Board -  
Transmittal of resolution regarding mosquito control in Erie County. DISPOSITION = Received & Filed
382. Jim Cavanaugh to Supervisor -  
Letter of appreciation for his attendance at the meeting regarding Buffalo-Lancaster Airport. DISPOSITION = Received & Filed
383. Lancaster Airport to Town Board -  
Transmittal of suggested flight pattern when departing Buffalo-Lancaster Airport. DISPOSITION = Received & Filed
384. Erie County Department of Public Works to Town Board -  
Notice of road restriction regarding Ransom Road from Genesee Street to Schlemmer Road for the period of August 18 - 28, 2009. DISPOSITION = Received & Filed
385. Town Line Vol. Fire Dept. to Town Board -  
Request appointment of new members to roster of Town Line Fire Dept. DISPOSITION = Resolution 8/17/09

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED,** the meeting was adjourned at 9:20 P.M. in memory of Chocha Clark.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk